

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JOHNNY DEPRIEST**

**PLAINTIFF**

**v.**

**CIVIL CASE NO. 1:17-CV-23-RP**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**FINAL JUDGMENT**

This cause is before the Court on the Plaintiff's complaint pursuant to 42 U.S.C. § 405(g) for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration regarding an application for a period of disability and disability insurance benefits, as well as supplemental security income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The Court, having reviewed the record, the administrative transcript, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

For the reasons announced by the Court on the record at the conclusion of the parties' oral argument during a hearing held in this matter on October 4<sup>th</sup>, 2017, the Court finds there is reversible error. The hypothetical question posed by the administrative law judge to the vocational expert was self-contradictory and confusing and differed in material respects with the plaintiff's residual functional capacity found by the ALJ in his decision. The hypothetical was therefore defective and the Commissioner's decision is not supported by substantial evidence in the record. Therefore, the decision of the Commissioner is hereby **REVERSED AND REMANDED**. On remand, the ALJ is instructed to reevaluate plaintiff's residual functional capacity and incorporate it into a hypothetical question for a vocational expert in the Step 4

determination.

**SO ORDERED AND ADJUDGED** this, the 5th day of October, 2017.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE